UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,088	03/15/2000	VASILIOS YIORYIOS PAPAYIORYIOU	00049	7612

23338 7590 11/17/2003	EXAMINER	
DENNISON, SCHULTZ & DOUGHERTY	PWU, JEFFREY C	
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ARLINGTON, VA 22202	ART UNIT	PAPER NUMBER
	3628	

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	09/508,088	PAPAYIORYIOU, VASILIOS YIORYIOS
	Examiner	**Art Unit**
	Jeffrey Pwu	3628

-- *The MAILING DATE of this communication appears on the c ver sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>9/5/203 Amendment</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>14-30</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>14-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections

under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
>
> The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 14-30 are rejected under 35 U.S.C. 102(e) as being unpatentable by Eder (US

6,321,205).

Eder teaches a computer based system and method for determining part of the value of an

asset for investment by an investor, comprising:

receiving data from the investor (20) relating to market value of the asset and to a

preferred term of the investment (221);

receiving data from the investor relating to potential return from the asset over the

preferred term (222);

calculating a discount value for the asset from the potential return (229);

calculating market values for a range of potential investments using the discount value of

the asset and the preferred term of investment (col.19, line 55- col.20, line 47);

presenting the investor with a range of market values for the range of investments (see

paragraph (col.35, line 14-col.37, line 20 and col. 41, line 43-col.60);

receiving from the investor an indication of an investment selected from the range (see fig.12, report, report selection, and calculate equity value and prepare report; 909, 915, and 778);

wherein the market values of the investments are calculated to be less than or equal to the future value of the asset (fig.12, steps 772-778);

wherein the terms of the investments are calculated to match the preferred term of investment (fig.12, steps 772-778);

wherein the investments are calculated to match both the future value of the asset and the preferred term of investment (fig.12, steps 772-778);and

calculating a discount value to the asset and using the discount value of the asset to calculate market values of a range of investments (col.19 ,line 56-col.20, line 48 and see steps 201-778 of fig.5).

Response to Arguments

3.   Applicant's response filed 9/5/2003 have been fully considered but they are not persuasive.

Applicant argues that the Eder reference does not teach "receiving data from the investor relating to the potential return from the asset over the preferred term of investment".

Contrary to the applicant's arguments, Eder teaches "Processing starts in this system (100) with a block of software (200) that extracts, aggregates and stores the transaction data and user input required for completing a valuation. This information is

extracted via an interconnection network (25) from a basic financial system database (10),

an operation management system database (15), an advanced financial system database

(30), a sales management system database (35), and a human resource information system

database (40). Information can also be extracted from an on-line external database such

as those found on an Internet (5) via a communications link (45). These information

extractions and aggregations are guided by a user (20) through interaction with a user-

interface portion of the application software (900) that mediates the display and

transmission of all information to the user (20) from the system (100) as well as the

receipt of information into the system (100) from the user (20) using a variety of data

windows tailored to the specific information being requested or displayed in a manner

that is well known. While only one database of each type (10, 15, 30, 35 & 40) is shown

in FIG. 1, it is to be understood that the system (100) can extract data from multiple

databases of each type via the interconnection network (25). All extracted information

concerning revenue, expenses, capital and elements of value is stored in a file or table

(hereinafter, table) within an application database (50) as shown in FIG. 2. The

application database (50) contains tables for storing user input, extracted information and

system calculations including a system settings table (140), a revenue data table (141), an

expense data table (142)..." at least in col.7, line 67-col.8, line 65).

Applicant further argues that the Eder reference does not teach "calculating a

discount value of the asset from the potential return for the preferred term of investment"

Contrary to the applicant's arguments, Eder discloses a method and system for

evaluating the probable impact of user-specified changes in business value and asset

valuations (see col.1, line 17-col.4, line 19); it is inherent, in asset valuations, that the

reference must calculate a discount value of the asset from the potential return in order to

facilitate a preferred term of investment).

Applicant further argues that the Eder reference does not suggest or describe

"presenting the investor with a range of market values for the range of investments to be

selected by the investor".

Contrary to the applicant's arguments, Eder discloses a data window that are used

for receiving information from and transmitting information to the user (see fig. 4).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

☞ Any inquiry concerning this communication or earlier communications from the Examiner

should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835

15 November 2003

JEFFREY PWU
PRIMARY EXAMINER